

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|------------------------------|---|--------------------------------|
| CHERRYL OLIVER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL CASE NO. 2:24-cv-275-ECM |
| |) | |
| ERIC MACKEY, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION and ORDER

Plaintiff Cherryl Oliver (“Oliver”), proceeding *pro se*, alleges in her second amended complaint (the operative complaint) that, among other things, the Defendants violated Title VII of the Civil Rights Act of 1964 by failing to renew and/or revoking her teaching certificate. (Doc. 11). Oliver requests, among other forms of relief, preliminary injunctive relief. (*Id.* at 8). On August 15, 2024, the Magistrate Judge entered a Recommendation that Oliver’s request for preliminary injunctive relief be denied. (Doc. 12). Oliver filed objections to the Recommendation. (Doc. 13).

After carefully reviewing the record in this case, the Recommendation of the Magistrate Judge, and Oliver’s objections, and for the reasons explained below, the Court concludes that Oliver’s objections are due to be overruled and the Magistrate Judge’s Recommendation is due to be adopted.

When a party objects to a Magistrate Judge’s Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 674 (1980). The district court “may accept, reject,

or modify, in whole or in part, the findings or recommendations made by the magistrate judge” and “may also receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1)(C). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. by Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge’s Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988) (“Whenever any party files a timely and specific objection to a finding of fact by a magistrate [judge], the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has carefully reviewed Oliver’s objections. (Doc. 13). Her objections amount to little more than restatements of the allegations in her pleadings, which were already considered by the Magistrate Judge. These objections are reviewed for clear error and, on this record, are due to be overruled. In sum, while Oliver’s objections reflect a disagreement with the Magistrate Judge’s Recommendation, they fail to establish any error in the Magistrate Judge’s reasoning or conclusions. The Court agrees with the Magistrate Judge’s well-reasoned Recommendation that, on this record, Oliver has failed to establish entitlement to the extraordinary remedy of a preliminary injunction. Consequently, her objections are due to be overruled.

Accordingly, upon an independent review of the record, and for good cause, it is

ORDERED as follows:

1. Oliver's objections (doc. 13) are OVERRULED;
2. The Magistrate Judge's Recommendation (doc. 12) is ADOPTED;
3. Oliver's motion for preliminary injunctive relief (doc. 11) is DENIED;
4. This case is REFERRED back to the Magistrate Judge for further proceedings.

DONE this 15th day of October, 2024.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE